

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MICHAEL LEINNEWEBER,

Plaintiff,

v.

No. 14-cv-0578 WPL/SMV

**LLOYD ASHTON,
DIANA ASHTON, and
GREAT AM. INS. CO.,**

Defendants.

SECOND ORDER AMENDING INITIAL SCHEDULING ORDER

A telephonic Rule 16 scheduling conference was set for December 22, 2014, at 10:00 a.m. [Doc. 29] (amending Initial Scheduling Order [Doc. 27]). Plaintiff's counsel did not attend, so the telephonic Rule 16 scheduling conference was not held.

The telephonic Rule 16 scheduling conference will be reset for **January 6, 2015, at 2:30 p.m.** Parties shall call Judge Vidmar's "Meet Me" line at **505-348-2357** to be connected to the proceedings.¹ Counsel shall be prepared to discuss the following: discovery needs and scheduling, all claims and defenses, the use of scientific evidence and whether a *Daubert* hearing is needed, *see Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579, 590–92 (1993), initial disclosures, and the timing of expert disclosures and reports under Fed R. Civ. P. 26(a)(2).² We

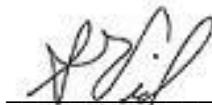
¹ The "Meet Me" line accepts no more than five incoming telephone lines at a time. Counsel shall coordinate with each other *prior to the conference* to ensure that no more than five incoming telephone lines are utilized.

² Counsel should be familiar with the Rule 26 requirements concerning disclosure of expert testimony for witnesses who do not provide a written report. *See Fed. R. Civ. P. 26(a)(2)(C).* Summary disclosures are, under certain circumstances, required of treating physicians. *Farris v. Intel Corp.*, 493 F. Supp. 2d 1174, 1180 (D.N.M. 2007) (Treating physicians who do not submit Rule 26 expert reports may only testify "based on . . . personal knowledge and observations obtained during [the] course of care and treatment[.]"); *Blodgett v. United States*, No. 2:06-CV-

will also discuss settlement prospects, alternative dispute resolution possibilities, and consideration of consent pursuant to 28 U.S.C. § 636(c). Client attendance is not required.

IT IS THEREFORE ORDERED that the deadlines shall be as follows:

Telephonic Rule 16 Initial Scheduling Conference: **January 6, 2015,**
at 2:30 p.m.



STEPHAN M. VIDMAR
United States Magistrate Judge

00565 DAK, 2008 WL 1944011, at *5 (D. Utah May 1, 2008). (“[T]reating physicians not disclosed as experts are limited to testimony based on personal knowledge and may not testify beyond their treatment of a patient.”).